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8 **BEFORE THE**
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Petition to Revoke
11 Probation Against:

Case No. AR 2007-381

12 **DEBORAH ANN RYAN**
25771 Kellogg Street
13 Loma Linda, CA 92354

PETITION TO REVOKE PROBATION

14 **Occupational Therapist License**
15 **No. OTA 1853**

Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Heather Martin (Complainant) brings this Petition to Revoke Probation solely in her
20 official capacity as the Executive Officer of the California Board of Occupational Therapy,
21 Department of Consumer Affairs.

22 2. On or about December 5, 2008, the California Board of Occupational Therapy issued
23 Occupational Therapist License Number OTA 1853 to Deborah Ann Ryan (Respondent). The
24 Occupational Therapist License was in effect at all times relevant to the charges brought herein
25 and will expire on September 30, 2010, unless renewed.

26 3. In a disciplinary action entitled "In the Matter of Statement of Issues Against Deborah
27 Ann Ryan," Case No. AR 2007-381, the California Board of Occupational Therapy issued a
28 decision, effective December 5, 2008, in which Respondent's Occupational Therapist License

1 was revoked. However, the revocation was stayed and Respondent was placed on probation for a
2 period of three (3) years with certain terms and conditions. A copy of that decision is attached as
3 Exhibit A and is incorporated by reference.

4 JURISDICTION

5 4. This Petition to Revoke Probation is brought before the California Board of
6 Occupational Therapy (Board), Department of Consumer Affairs, under the authority of the
7 following laws. All section references are to the Business and Professions Code unless otherwise
8 indicated.

9 5. Code section 2570.26 provides that the Board may deny, suspend, revoke, or place on
10 probation a license, inactive license, or limited permit.

11 6. Section 2570.27 of the Code states:

12 (a) The board may discipline a licensee by any or a combination of the following methods:

13 (1) Placing the license on probation with terms and conditions.

14 (2) Suspending the license and the right to practice occupational therapy for a period not to
15 exceed one year.

16 (3) Revoking the license.

17 (4) Suspending or staying the disciplinary order, or portions of it, with or without
18 conditions.

19 (5) Taking other action as the board, in its discretion, deems proper.

20 (b) The board may issue an initial license on probation, with specific terms and conditions,
21 to any applicant who has violated any provision of this chapter or the regulations adopted
22 pursuant to it, but who has met all other requirements for licensure.

23 FIRST CAUSE TO REVOKE PROBATION

24 (Commission of a Crime)

25 7. At all times after the effective date of Respondent's probation, Condition 1 stated:

26 Obey All Laws. Respondent shall obey all federal, state and local laws and regulations
27 governing the practice of occupational therapy in California. Respondent shall submit, in writing,
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1 a full detailed account of any and all violations of the law to the Board within five (5) days of
2 occurrence.

3 8. Respondent's probation is subject to revocation because she failed to comply with
4 Probation Condition 1, referenced above. The facts and circumstances regarding this violation
5 are as follows:

6 On or about January 5, 2010, in Richmond, California, Respondent violated California
7 Vehicle Code sections 23152(a) (driving while under the influence of drugs and/or alcohol) and
8 23152(b) (driving with excessive blood alcohol). Respondent failed to submit, in writing, a full
9 detailed account of any and all violations of the law to the Board within five (5) days of
10 occurrence.

11 SECOND CAUSE TO REVOKE PROBATION

12 (Failure to File Quarterly Report)

13 9. At all times after the effective date of Respondent's probation, Condition 2 stated:

14 **Compliance with Probation and Quarterly Reporting.** Respondent shall fully comply
15 with the terms and conditions of probation established by the Board and shall cooperate with
16 representatives of the Board in its monitoring and investigation of the respondent's compliance
17 with probation. Respondent, within ten (10) days of completion of the quarter, shall submit
18 quarterly written reports to the Board on a Quarterly Report of Compliance form obtained from
19 the Board.

20 10. Respondent's probation is subject to revocation because she failed to comply with
21 Probation Condition 2, referenced above. The facts and circumstances regarding this violation
22 are as follows:

23 Respondent failed to timely submit a quarterly report for the October-December, 2009
24 reporting period. The report was due on January 10, 2010.

25 THIRD CAUSE TO REVOKE PROBATION

26 (Failure to Attend Chemical Dependency Support Group)

27 11. At all times after the effective date of Respondent's probation, Condition 11 stated:

28 **Chemical Dependency Support/Recovery Groups.** Within five (5) days of the effective

1 date of the Decision, respondent shall begin attendance, minimum twice per week, at a chemical
2 dependency support group (e.g., Alcoholics Anonymous, Narcotics Anonymous). Verified
3 documentation of attendance shall be submitted by respondent with each quarterly report.
4 Respondent shall continue attendance in such a group for the duration of probation.

5 12. Respondent's probation is subject to revocation because she failed to comply with
6 Probation Condition 11, referenced above. The facts and circumstances regarding this violation
7 are as follows:

8 Respondent failed to submit documentation verifying her participation in a support group
9 for the October-December, 2009 reporting period.

10 **FOURTH CAUSE TO REVOKE PROBATION**

11 (Failure to Abstain From Use of Alcohol)

12 13. At all times after the effective date of Respondent's probation, Condition 13 stated:

13 **Abstain From Use of Alcohol.** Respondent shall completely abstain from the use of
14 alcoholic beverages during the period of probation.

15 14. Respondent's probation is subject to revocation because she failed to comply with
16 Probation Condition 12, referenced above. The facts and circumstances regarding this violation
17 are as follows:

18 On or about January 5, 2010, in Richmond, California, Respondent violated California
19 Vehicle Code sections 23152(a) (driving while under the influence of drugs and/or alcohol) and
20 23152(b) (driving with excessive blood alcohol).

21 **FIFTH CAUSE TO REVOKE PROBATION**

22 (Failure to Submit to Testing)

23 15. At all times after the effective date of Respondent's probation, Condition 14 stated:

24 **Submit Biological Fluid Samples.** Respondent shall immediately submit to biological
25 fluid testing, at respondent's cost, upon request by the Board or its designee. There will be no
26 confidentiality in the test results; positive test results will be immediately reported to the Board
27 and the respondent's current employer.

28 16. Respondent's probation is subject to revocation because she failed to comply with

1 Probation Condition 14, referenced above. The facts and circumstances regarding this violation
2 are as follows:

3 Respondent failed to report for testing as directed on January 11, 2010, and again on
4 January 15, 2010.

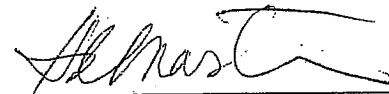
5 PRAYER

6 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
7 and that following the hearing, the California Board of Occupational Therapy issue a decision:

8 1. Revoking the probation that was granted by the California Board of Occupational
9 Therapy in Case No. AR 2007-381 and imposing the disciplinary order that was stayed, thereby
10 revoking Occupational Therapist License No. OTA 1853, issued to Deborah Ann Ryan;

11 2. Taking such other and further action as deemed necessary and proper.

12 DATED: 15 April 2010



13 HEATHER MARTIN
14 Executive Officer
15 California Board of Occupational Therapy
16 Department of Consumer Affairs
17 State of California
18 Complainant
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